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General Assembly Security Council

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A/45/722
S/21942
14 November 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 14 November 1990 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Yesterday, 13 November 1990, the following prominent Palestinian community leaders were sentenced by the Israeli Military authorities for 6 months to 1 year of administrative detention: Mr. Radwan Abu Ayash, Head of the Arab Journalist Association was sentenced to 6 months; Mr. Ziad Abu Ziad, Chief Editor of El Jisser Weekly Newspaper also sentenced to 6 months; and thirdly, Dr. Ahmad Yaziji, member of the board of the Gaza Physicians Association, was sentenced to 1 year.

Palestine would like to assert the fact that administrative detention is imprisonment without charge or trial and constitutes a serious infringement of the individual's rights to protection and due process.

Both Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights state that no one shall be subjected to arbitrary arrest or detention. On the right to due process, Article 10 of the Universal Declaration of Human Rights states that "Every one is

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entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

Yet, Israel, the occupying Power, continues its flagrant violations of international law, and is increasingly detaining Palestinians with the intention of keeping them in prison. The number of Palestinians detained has reached approximately 12,000 during the three years of the intifadah.

Clearly, the situation in the occupied Palestinian territory, the West Bank and Gaza is deteriorating and requires immediate action from the world community to halt Israel, the occupying Power, from continuing its illegal actions.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Alternate Permanent Observer
of Palestine to the United Nations
Chargé d'affaires a.i.

UNITED
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General Assembly

Distr.
GENERAL

A/45/723
15 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 18

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 12 November 1990 from the Permanent Representative of Papua New Guinea to the United Nations addressed to the President of the General Assembly

As you are aware, since its admission to membership of the Organization, the Government of Papua New Guinea has closely identified itself with the legitimate aspirations of the peoples of the remaining Trust and Non-Self-Governing Territories and has extended its full co-operation in the efforts of the United Nations for the speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, not only in the Pacific region, but throughout the world. The delegation of Papua New Guinea has thus actively participated in the related activities of the United Nations in this regard.

In keeping with the commitment of my Government to the further acceleration of the process of decolonization, I should like, on behalf of my Government, to indicate to you, and through you, to the General Assembly, for its consideration under agenda item 18, the wish of the Government of Papua New Guinea to join the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

(Signed) Renagi R. LOHIA, OBE
Ambassador
Permanent Representative

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General Assembly

Distr.
GENERAL

A/45/724
15 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 18

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 15 November 1990 from the Permanent Representative of Papua New Guinea to the United Nations addressed to the President of the General Assembly

This is a follow-up to my letter of 12 November 1990 (A/45/723) in relation to our Government's interest in joining the membership to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

I would like to emphasize that the focus and the emphasis of the United Nations decolonization programme is centred on the Caribbean and the Pacific regions. It is, therefore, important for the Governments in those regions to be actively engaged by the United Nations on its continued decolonization programme towards achieving the objectives of the International Declaration on the Eradication of Colonialism by the Year 2000.

The Papua New Guinea Government made a similar request to the President of the General Assembly in 1984 with the knowledge that Australia, a Pacific country, was going to withdraw from the Special Committee.

May I kindly request your good offices to circulate the present letter as an official document of the General Assembly under agenda item 18.

(Signed) Renagi R. LOHIA, OBE
Ambassador
Permanent Representative

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UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/725
19 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 78

QUESTION OF THE COMPOSITION OF THE RELEVANT ORGANS OF THE UNITED NATIONS

Report of the Special Political Committee

Rapporteur: Ms. Catherine von HEIDENSTAM (Sweden)

1. The item entitled "Question of the composition of the relevant organs of the United Nations" was included in the provisional agenda of the forty-fifth session of the General Assembly in accordance with Assembly decision 44/420 of 8 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee.

3. At the 5th meeting of the Special Political Committee, on 29 October 1990, the Chairman proposed that, as no member of the Committee had requested to speak on the substance of the item, consideration of it should be deferred until the forty-sixth session.

4. In the absence of any objection it was so decided.

RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

5. The Special Political Committee recommends that the General Assembly should include in the provisional agenda of its forty-sixth session the item entitled "Question of the composition of the relevant organs of the United Nations".

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General Assembly Security Council

Distr.
GENERAL

A/45/726
S/21947
26 November 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 35
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolution 44/40 A of 4 December 1989. In that resolution, the Assembly dealt with various aspects of the situation in the Middle East and requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the Assembly at its forty-fifth session a comprehensive report covering the developments in the Middle East in all their aspects. The present report covers the period from 18 November 1989 to 19 November 1990. It should be pointed out, however, that the report does not address the situation between Iraq and Kuwait. It is based mainly on information available in United Nations documents, to which references are made whenever appropriate.

II. UNITED NATIONS PEACE-KEEPING ACTIVITIES

2. There continue to be three United Nations peace-keeping operations in the area: two peace-keeping forces, the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL), and one observer mission, the United Nations Truce Supervision Organization (UNTSO).

A. United Nations Disengagement Observer Force

3. UNDOF, with some 1,330 troops provided by Austria, Canada, Finland and Poland, is deployed between the Israeli and Syrian forces on the Golan Heights in accordance with the disengagement agreement concluded between Israel and the Syrian Arab Republic in May 1974. A group of UNTSO observers is detailed to the Force and assists it in the performance of its tasks. The main functions of the Force are to supervise the cease-fire between the Israeli and Syrian forces and to man the area of separation established by the disengagement agreement. The mandate of UNDOF has been extended twice by the Security Council during the reporting period, the last time on 31 May 1990 for a further period of six months until 30 November 1990 (resolution 655 (1990)).

4. The activities of the Force since November 1989 are described in a report of the Secretary-General to the Security Council, dated 22 May 1990 (S/21305). As reported by the Secretary-General, the situation in the Israel-Syria sector has remained generally quiet; UNDOF has continued to perform its functions effectively with the co-operation of the parties, and there have been no serious incidents.

B. United Nations Interim Force in Lebanon

5. UNIFIL, which is deployed in southern Lebanon, was established by the Security Council on 19 March 1978, following the first Israeli invasion of Lebanon. Its terms of reference were - and still are - to confirm the withdrawal of the Israeli forces as called for by the Security Council, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area (resolution 425 (1978) of 19 March 1978).

6. The mandate of the Force has since been extended as necessary, the last time on 31 July 1990 for a further period of six months until 31 January 1991 (resolution 659 (1990)). UNIFIL currently has some 5,860 troops, provided by Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway and Sweden. A group of UNTSO observers assists the Force in the performance of its tasks.

7. The activities of UNIFIL and the situation in its area of operation in southern Lebanon from November 1989 until 24 July 1990 are described in two reports of the Secretary-General to the Security Council, dated 25 January 1990 (S/21102) and 24 July 1990 (S/21406 and Add.1 and Corr.1). In the latter report (S/21406/Add.1), the Secretary-General referred in particular to the difficulties encountered by UNIFIL in the Norwegian battalion sector, which lies wholly within the Israeli controlled area, and to a particularly serious confrontation that occurred in July 1990 in that sector between UNIFIL, on the one hand, and the Israel Defence Forces (IDF) and the de facto forces (DFF), on the other. Calling attention to the fact that peace-keeping operations cannot function without the co-operation of the parties concerned, the Secretary-General stated that, if the situation in the Norwegian battalion sector of UNIFIL did not improve, it might become necessary for the Security Council to consider whether UNIFIL's role in that area should be changed.

8. Following the adoption of Security Council resolution 659 (1990), extending the mandate of UNIFIL for a further period of six months until 31 January 1991, the President of the Security Council conveyed to the Secretary-General on 24 September 1990 the request of the members of the Council for a review, to be carried out during the present mandate period, of the scale and deployment of UNIFIL in the light of the performance by the Force of its functions since its establishment in 1978 and with a view to implementing resolution 425 (1978) (S/21833). This review is under way and the Secretary-General intends to report on its results in his next report to the Security Council on the operation of UNIFIL in January 1991.

C. United Nations Truce Supervision Organization

9. As indicated in the preceding sections, observers of UNTSO have continued to assist UNDOF and UNIFIL in the performance of their tasks. In addition, UNTSO conducts two observation operations of its own, the Observer Group at Beirut and the Observer Group in Egypt.

10. The Observer Group at Beirut was set up by the Security Council in August 1982 following the occupation of West Beirut by Israeli troops. Since the withdrawal of the Israeli forces from the Beirut area in September 1983, the activities of the Group have been reduced and its total strength now stands at eight observers.

11. The Observer Group in Egypt, which was established when the second United Nations Emergency Force (UNEF II) was withdrawn in July 1979, has a total strength of about 50 observers. It maintains, in addition to liaison offices at Cairo and Ismailia, six outposts in the Sinai.

III. SITUATION IN THE OCCUPIED TERRITORIES

12. The General Assembly, at its forty-fourth session, after considering the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories (A/44/599), which is composed of Senegal, Sri Lanka and Yugoslavia, adopted resolutions 44/48 A to G on 8 December 1989. By these resolutions, the General Assembly, inter alia, demanded that Israel desist forthwith from a number of policies and practices mentioned in the resolution and renewed the mandate of the Special Committee (resolution 44/48 A); reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and strongly demanded that Israel acknowledge and comply with its provisions (resolution 44/48 B); demanded that the Government of Israel desist forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories (resolution 44/48 C); deplored the Israeli arbitrary detention or imprisonment of thousands of Palestinians (resolution 44/48 D); demanded that the Government of Israel rescind the illegal measures taken in deporting Palestinians and that it facilitate their immediate return (resolution 44/48 E); determined that all legislative and administrative measures and actions taken or to be taken by Israel that purported to alter the character and legal status of the Syrian Arab Golan were null and void and constituted a flagrant violation of international law (resolution 44/48 F); and condemned Israeli policies and practices against Palestinian students and faculties in educational institutions in the occupied Palestinian territories and demanded that it comply with the provisions of the Fourth Geneva Convention, rescind all actions and measures taken against those institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of those institutions (resolution 44/48 G).

13. During the period under review, the Security Council met in March, May, October and November 1990 to discuss the situation in the occupied Arab territories. On 31 May 1990, the Security Council voted on a draft resolution (S/21326) submitted by seven members, by which the Council would have established a Commission consisting of three members of the Security Council, to be dispatched immediately to examine the situation relating to the policies and practices of Israel, the occupying Power, in the Palestinian territory, including Jerusalem, occupied by Israel since 1967; requested the Commission to submit its report to the Security Council by 20 June 1990, containing recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation; requested the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission; decided to keep the situation in the occupied territories under constant and close scrutiny and to reconvene to review the situation in the light of the findings of the Commission. The resolution was not adopted, owing to a negative vote by a permanent member. In a presidential statement dated 19 June 1990 (S/21363), the members of the Security Council strongly deplored the incident that had occurred on 12 June 1990 in a clinic belonging to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) and located near to Shati camp in Gaza, in which

several innocent Palestinian women and children were wounded by a tear-gas grenade thrown by an Israeli officer. Expressing dismay that the penalty imposed on that officer had been commuted, the members reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and requested the high contracting parties to ensure respect for the Convention. They called upon Israel to abide by its obligations under that Convention. On 12 October 1990, the Security Council adopted resolution 672 (1990) by which it expressed alarm at the violence that took place on 8 October at the Haram al-Sharif and other Holy Places of Jerusalem resulting in over 20 Palestinian deaths and to the injury of more than 150 people, including Palestinian civilians and innocent worshippers; condemned especially the acts of violence committed by the Israeli security forces resulting in injuries and loss of human life; called upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention, which is applicable to all the territories occupied by Israel since 1967; requested, in connection with the decision of the Secretary-General to send a mission to the region, which the Council welcomed, that he submit a report to it before the end of October 1990 containing his findings and conclusions and that he use as appropriate all of the resources of the United Nations in the region in carrying out the mission. On 24 October 1990, the Council adopted resolution 673 (1990) by which it deplored the refusal of the Israeli Government to receive the mission of the Secretary-General to the region; urged the Israeli Government to reconsider its decision and insisted that it comply fully with resolution 672 (1990) and to permit the mission of the Secretary-General to proceed in keeping with its purpose; requested the Secretary-General to submit to the Council the report requested in resolution 672 (1990); and affirmed its determination to give full and expeditious consideration to the report. The report requested of the Secretary-General in resolutions 672 (1990) and 673 (1990) has been circulated as documents S/21919 and Add.1-3 and Corr.1.

14. On 16 February 1990, the Commission on Human Rights adopted resolution 1990/1 concerning Israeli settlements in the occupied Arab territories, by which it affirmed that the settling of Israeli civilians in the occupied territories is illegal and contravenes the relevant provisions of the Fourth Geneva Convention, and called upon the Government of Israel to refrain from settling immigrants in the occupied territories. The Commission also adopted resolutions 1990/2 A and B concerning the question of violations of human rights in occupied Palestine. Those resolutions, in which the Commission condemned Israeli policies and practices in the occupied territories, along lines similar to those of General Assembly resolution 44/48 A, were brought to the attention of all Governments by a note verbale dated 1 June 1990. Furthermore, the Commission adopted resolution 1990/3, by which it declared once more that the continued Israeli occupation of the Syrian Arab Golan and its decision on 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan were null and void and had no international legal effect.

15. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories held periodic meetings in pursuance of resolution 44/48 A. Between meetings, the

Special Committee was kept informed of developments taking place in the occupied territories; the information was gathered from a variety of sources, including oral testimony and written communications. At its meetings, the Special Committee reviewed this information and assessed the human rights situation in the occupied territories. In accordance with resolution 44/48 A, the General Assembly, at its forty-fifth session, will have before it the periodic reports of the Special Committee (A/45/84 and A/45/306), as well as the Special Committee's twenty-second report (A/45/576).

16. During its forty-fourth session, the General Assembly also adopted resolution 44/235 of 22 December 1989 concerning assistance to the Palestinian people. The report requested in that resolution has been circulated as document A/45/503.

IV. PALESTINE REFUGEE PROBLEM

17. Following its consideration, at its forty-fourth session, of the report of the Commissioner-General of UNRWA for the period 1 July 1988 to 30 June 1989, 1/ the General Assembly adopted 11 resolutions on this subject on 8 December 1989. In resolution 44/47 A, the Assembly noted with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of resolution 194 (III) had not been effected, that no substantial progress had been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continued to be a matter of serious concern; expressed its thanks to the Commissioner-General and to all the staff of UNRWA, recognizing that the Agency was doing all it could within the limits of available resources; reiterated its request that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable; noted with regret that the United Nations Conciliation Commission for Palestine had been unable to find a means of achieving progress in the implementation of paragraph 11 of resolution 194 (III), and requested the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but not later than 1 September 1990; directed attention to the continuing seriousness of the financial position of the Agency as outlined in the report of the Commissioner-General; noted with concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to the Agency was still insufficient to cover current essential requirements; called upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, and decided to extend the mandate of UNRWA until 30 June 1993, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III).

18. The other resolutions adopted by the General Assembly dealt with the Working Group on the Financing of UNRWA (resolution 44/47 B); assistance to persons displaced as a result of the June 1967 and subsequent hostilities (resolution 44/47 C); offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees (resolution 44/47 D); Palestine refugees in the Palestinian territory occupied by Israel since 1967

(resolution 44/47 E); resumption of the ration distribution to Palestine refugees (resolution 44/47 F); return of population and refugees displaced since 1967 (resolution 44/47 G); revenues derived from Palestine refugees' properties (resolution 44/47 H); protection of Palestine refugees (resolution 44/47 I); the University of Jerusalem "Al-Quds" for Palestine refugees (resolution 44/47 J); and protection of Palestinian students and educational institutions and safeguarding of the security of the facilities of UNRWA in the occupied Palestinian territory (resolution 44/47 K). The situation of the Palestine refugees and the activities of UNRWA since the adoption of these resolutions are described in the annual report of the Commissioner-General of UNRWA for the period of 1 July 1989 to 30 June 1990. 2/ The reports of the Secretary-General under resolutions 44/47 D, E, F, G, H, I, J and K have been circulated as documents A/45/463, A/45/464, A/45/465, A/45/466, A/45/429, A/45/641, A/45/530 and A/45/646, respectively. The report of the United Nations Conciliation Commission for Palestine under resolution 44/47 A and the report of the Working Group on the Financing of UNRWA under resolution 44/47 B have been circulated as documents A/45/382 and A/45/645, respectively.

V. QUESTION OF PALESTINE

19. At its forty-fourth session, on 6 December 1989, the General Assembly adopted four resolutions under the agenda item entitled "Question of Palestine". In resolution 44/41 A, the Assembly endorsed the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People; 3/ requested the Committee to continue to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights; 4/ and authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations. In resolution 44/41 B, the Assembly requested the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure that it continued to discharge the tasks detailed in previous relevant resolutions of the General Assembly in consultation with the Committee. In resolution 44/41 C, the Assembly requested the Department of Public Information of the Secretariat, in full co-operation and co-ordination with the Committee, to continue its special information programme on the question of Palestine. In resolution 44/42, the Assembly reaffirmed the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine; called once again for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination. The Assembly also reaffirmed the following principles for the achievement of comprehensive peace: the withdrawal of Israel from Palestinian territory occupied since 1967, including Jerusalem and from the other occupied Arab territories; guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally

recognized boundaries; resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions; dismantling the Israeli settlements in the territories occupied since 1967; and guaranteeing freedom of access to Holy Places, religious buildings and sites. It noted the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process; once again invited the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region; and requested the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter.

20. The report requested of the Secretary-General in resolution 44/42 has been circulated as A/45/709-S/21929.

21. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the forty-fifth session of the General Assembly has been circulated as document A/45/35. 5/

VI. SITUATION IN THE MIDDLE EAST

22. At its forty-fourth session, on 4 December 1989, the General Assembly adopted three resolutions concerning the situation in the Middle East. In resolution 44/40 A, the Assembly reaffirmed its conviction that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories; reaffirmed that a just and comprehensive settlement of the situation in the Middle East could not be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization; declared that peace in the Middle East was indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions; considered the Arab Peace Plan 6/ adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, and reiterated by the Extraordinary Summit Conference of Arab States, held at Casablanca, Morocco, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace; condemned Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and demanded the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967; rejected all agreements and arrangements that violated the inalienable rights of the Palestinian people and contradicted the principles of a just and comprehensive solution to the Middle East problem; determined that Israel's decision to annex Jerusalem and to

declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status were null and void and demanded that they be rescinded immediately; condemned Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory; condemned Israel's annexationist policies and practices in the occupied Syrian Arab Golan; considered that the agreements on strategic co-operation between the United States of America and Israel, of 30 November 1981, and the continued supply of modern arms and matériel to Israel, augmented by substantial economic aid, had encouraged Israel to pursue its aggressive and expansionist policies and practices, had had adverse effects on efforts for the establishment of peace in the Middle East and posed a threat to the security of the region; called upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people; strongly condemned the collaboration between Israel and the racist régime of South Africa; reaffirmed its call for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with United Nations resolutions relevant to the question of Palestine and the situation in the Middle East and endorsed the call for setting up a preparatory committee to take the necessary action to convene the Conference. The other parts of resolution 43/54 deal with Israeli policies in the Syrian Arab Golan and the other occupied territories (resolution 44/40 B) and the transfer by some States of their diplomatic missions to Jerusalem (resolution 44/40 C).

23. Resolutions 44/40 A to C were brought to the attention of Member States, and a report of the Secretary-General including the relevant comments received from the Member States was circulated as document A/45/595.

24. During the period under review, the Security Council issued two statements on Lebanon. On 22 November 1989, following consultations with the members of the Security Council, the President of the Council made a statement (S/20988) on behalf of the Council at its 2894th meeting. In it, the members expressed their deep indignation and dismay over the assassination of Mr. René Moawad, President of the Lebanese Republic, earlier that day in Beirut. They expressed their sympathy and condolences to the family of the late President, to the Prime Minister and to the Lebanese people. They strongly condemned the cowardly, criminal and terrorist act for what it was, an attack upon the unity of Lebanon, the democratic processes and the process of national reconciliation. Reaffirming their support for the efforts undertaken by the Tripartite High Committee of the League of Arab States and for the Taif Agreement, the members said those remained the only basis for guaranteeing the full sovereignty, independence, territorial integrity and national unity of Lebanon. They reiterated their call of 7 November 1989 to all sectors of the

Lebanese people to continue the process of achieving the goals of the restoration of the Lebanese State and the establishment of renovated institutions that had started with the election of President Moawad and the appointment of Prime Minister Sélim El-Hoss. Democratic Lebanese institutions must, they said, be strongly supported and the process of national reconciliation must go forward; that was the only way that Lebanese national unity could be fully restored. Solemnly reaffirming their support for the Taif Agreement, ratified by the Lebanese Parliament on 5 November 1989, the members urged all Lebanese people to exercise restraint, to rededicate themselves to the urgent task of national reconciliation and to demonstrate their commitment to democratic processes.

25. On 27 December 1989, following consultations with the members of the Security Council, the President of the Council made a statement (S/21056) on behalf of the Council at its 2903rd meeting. Recalling their statements of 7 November 1989 and 22 November 1989, and relevant Security Council resolutions, the members reaffirmed their full support for the efforts undertaken by the Tripartite High Committee of the League of Arab States and for the Taif Agreement and said those remained the only basis for guaranteeing the full sovereignty, independence, territorial integrity and national unity of Lebanon. The members welcomed the election of Elias Hrawi as successor to the late René Moawad as President of the Lebanese Republic and the appointment of the Lebanese Government led by the Prime Minister Sélim El-Hoss. They reaffirmed the urgency of continuing the process of national reconciliation and political reform embodied in the Taif Agreement, and expressed their deep concern over obstacles that had delayed progress in achieving these goals. Expressing support for President Hrawi's efforts in implementation of the Taif Agreement to deploy Lebanese Government forces to restore central government authority over all Lebanese territory, the members reiterated their call on the Lebanese people, and in particular all Lebanese Government officials, civilian and military, to support their President and the constitutional process initiated at Taif to achieve peacefully the restoration of unity, independence and sovereignty of Lebanon on its entire territory.

VII. OBSERVATIONS

26. Since I last reported to the General Assembly on the situation in the Middle East, the prospects for progress in the Arab-Israeli peace process appear regrettably to have stalled. A year ago, I drew attention to the heightened expectations that had been generated as a result of dramatic political developments at the end of 1988, which, in turn, had led to important proposals, aimed primarily at launching a dialogue between Israelis and Palestinians. I pointed out that while it was essential to pursue every initiative that might help bridge the gaps between the parties and bring them to the negotiating table, I could not but be concerned at the fact that valuable time was passing and that the willingness to negotiate that existed at that time would be eroded by bitterness resulting from events on the ground.

27. Unfortunately, the efforts to achieve an Israeli-Palestinian dialogue reached an impasse in the early months of 1990. Since then, the situation in the occupied territories has worsened, causing the Security Council to focus increasingly on the

question of safety and protection of the Palestinian civilians residing there. In this connection, in pursuance of the request contained in its resolutions 672 (1990) of 12 October 1990 and 673 (1990) of 24 October 1990, I submitted to the Security Council a report on the occupied territories on 31 October 1990 (S/21919). In it, I made certain observations on steps the international community might take regarding the safety and protection of the Palestinian civilian population. At the time of the present report, the Council is continuing its deliberations on the matter. It should be pointed out, however, that the implementation of such steps will not alone bring an end to the conflict between Israelis and Palestinians, which is, essentially, political in nature. Furthermore, it is important to recall that this conflict is central to the broader Arab-Israeli dispute with its many complex and interrelated issues.

28. In this connection, it is encouraging to note, as I did in my 12 November 1990 report to the General Assembly on the convening of an international peace conference (A/45/7[illegible] S/21929), that there is unanimity within the Security Council that efforts must be continued on an urgent basis to achieve a comprehensive, just and lasting settlement of the situation in the Middle East, particularly a solution of the Palestinian problem in all its aspects. I continue to believe that such a settlement can best be achieved through a negotiating process that involves all the parties concerned, including the Palestine Liberation Organization, and is based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate political rights of the Palestinian people, including self-determination.

29. As I said in my annual report on the work of the Organization, 7/ the Middle East as a whole continues to be the most explosive region of the world today. Long-standing grievances, which have festered for years, have been aggravated by an escalating arms race throughout the area, which has spawned a deadly arsenal of weapons of mass destruction. In the long run, lasting peace will come to the Middle East only when the principles of international law govern the relations between States, when disputes are resolved through peaceful means, when the aspirations of those deprived of their rights have been fulfilled, and regional security and economic arrangements - which take into account the concerns of all the parties in the area - have been established.

Notes

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 13 (A/44/13 and Add.1).

2/ Ibid., Forty-fifth Session, Supplement No. 13 (A/45/13 and Add.1).

3/ Ibid., Forty-fourth Session, Supplement No. 35 (A/44/35).

4/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B.

Notes (continued)

5/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 35 (A/45/35).

6/ A/44/737-S/20971; see Official Records of the Security Council, Forty-fourth Year, Supplement for October, November and December 1989, document S/20971.

7/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 1 (A/45/1).

UNITED
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General Assembly Security Council

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GENERAL

A/45/727
S/21949
19 November 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 19 November 1990 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Once more the Prime Minister of Israel reiterated his position and the position of the Israeli Government on the so-called "Greater Israel". Shamir said yesterday "it is our duty (the duty of the Likud Party) to maintain the land of Israel from the sea to the Jordan river, for the future generation to come and for the great immigration". He also said "there is no relation between keeping the land of greater Israel on one hand and the great immigration which is the realization of zionism on the other hand".

Such position provides the international community with additional evidence of the real positions and intentions of the Israeli Government, which continues to defy the international legitimacy represented by the United Nations and especially the Security Council and its resolutions.

There is an immediate need for the international community to indicate, once more, its categorical rejection of such positions and statements.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Alternate Permanent Observer
of Palestine to the United Nations
Chargé d'affaires a.i.

UNITED
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General Assembly

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A/45/728
19 November 1990
ENGLISH
ORIGINAL: ARABIC

Forty-fifth session
Agenda items 118 and 144

PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Programme budget implications of draft resolution I recommended by the Sixth Committee in its report (A/45/739, para. 15)

Report of the Fifth Committee

Rapporteur: Mr. Shamel NASSER (Egypt)

1. At its 31st meeting, on 19 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/34) on the programme budget implications of draft resolution I recommended by the Sixth Committee in paragraph 15 of its report (A/45/739). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman.

2. Statements and comments made in the course of the Committee's consideration of this item are reflected in the relevant summary record (A/C.5/45/SR.31).

DECISION OF THE FIFTH COMMITTEE

3. The Fifth Committee decided, without a vote, to inform the General Assembly that, should it adopt draft resolution I recommended by the Sixth Committee in paragraph 15 of its report (A/45/739), no additional appropriation would be required under sections 26 or 29 of the programme budget for the biennium 1990-1991.

4. A statement in explanation of position was made by the representative of the Libyan Arab Jamahiriya.

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28 November 1990
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Forty-fifth session
Agenda item 116

FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS

Report of the Fifth Committee

Rapporteur: Mr. Shamel NASSER (Egypt)

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly decided to include in the agenda of its forty-fifth session, and to allocate to the Fifth Committee, the item entitled:

"Financial reports and audited financial statements, and reports of the Board of Auditors:

"(a) United Nations;

"(b) United Nations Development Programme;

"(c) United Nations Children's Fund;

"(d) United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"(e) United Nations Institute for Training and Research;

"(f) Voluntary funds administered by the United Nations High Commissioner for Refugees;

"(g) Fund of the United Nations Environment Programme;

"(h) United Nations Population Fund;

"(i) United Nations Habitat and Human Settlements Foundation".

2. At its 4th, 7th to 11th and 30th meetings, on 8 and 12 to 17 October and 16 November 1990, the Fifth Committee considered the financial reports and audited financial statements for the period ended 31 December 1989 and the reports and audit opinions of the Board of Auditors concerning the United Nations, including the International Trade Centre and the United Nations University, 1/ United Nations Development Programme, 2/ the United Nations Children's Fund, 3/ the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 4/ the United Nations Institute for Training and Research, 5/ the voluntary funds administered by the United Nations High Commissioner for Refugees, 6/ the Fund of the United Nations Environment Programme, 7/ the United Nations Population Fund 8/ and the United Nations Habitat and Human Settlements Foundation 9/ and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/570 and Corr.1).

3. The Committee also had before it a report by the Secretary-General transmitting a summary of the principal findings and conclusions of the Board of Auditors (A/45/457); a report by the Secretary-General on the implementation of the recommendations of the Board of Auditors and of the Advisory Committee on Administrative and Budgetary Questions (A/45/509); as well as a report of the Secretary-General on the general accounting framework for financial statements (A/45/537).

4. The comments and observations made in the course of the discussion of the item and the replies to queries raised are reflected in the summary records of the Fifth Committee (A/C.5/45/SR.4, 7 to 11, and 30).

5. At the 30th meeting, on 16 November 1990, the Vice-Chairman of the Committee, following informal consultations, introduced a draft resolution (A/C.5/45/L.5).

6. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.5 without a vote (see para. 7).

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 5 (A/45/5 vols. I (and Corr.1 and 2), II and III).

2/ Ibid., Supplement No. 5A (A/45/5/Add.1).

3/ Ibid., Supplement No. 5B (A/45/5/Add.2 and Corr.1).

4/ Ibid., Supplement No. 5C (A/45/5/Add.3).

5/ Ibid., Supplement No. 5D (A/45/5/Add.4).

6/ Ibid., Supplement No. 5E (A/45/5/Add.5).

7/ Ibid., Supplement No. 5F (A/45/5/Add.6 and Corr.1).

8/ Ibid., Supplement No. 5G (A/45/5/Add.7).

9/ Ibid., Supplement No. 5H (A/45/5/Add.8 and Corr.1).

RECOMMENDATION OF THE FIFTH COMMITTEE

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS

The General Assembly,

Having considered the financial reports and audited financial statements for the biennium ended 31 December 1989 of the United Nations, 10/ including the International Trade Centre 11/ and the United Nations University, 12/ the United Nations Children's Fund, 13/ the United Nations Environment Programme 14/ and the United Nations Habitat and Human Settlements Foundation, 15/ for the year ended 31 December 1989 the United Nations Development Programme, 16/ the United Nations Population Fund, 17/ the voluntary funds administered by the United Nations High Commissioner for Refugees, 18/ the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 19/ and the United Nations Institute for Training and Research, 20/ the report of the Advisory Committee on Administrative and Budgetary Questions 21/ and the concise summary of the principal findings and conclusions for remedial action of the Board of Auditors, 22/

10/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 5 (A/45/5), vols. I-III and ibid., A/45/5 (vol.I)/Corr.1 and 2.

11/ Ibid., Supplement No. 5, (A/45/5), vol. II.

12/ Ibid., vol. III.

13/ Ibid., Supplement No. 5B and corrigendum (A/45/5/Add.2 and Corr.1).

14/ Ibid., Supplement No. 5F and corrigendum (A/45/5/Add.6 and Corr.1).

15/ Ibid., Supplement No. 5H and corrigendum (A/45/5/Add.8 and Corr.1).

16/ Ibid., Supplement No. 5A (A/45/5/Add.1).

17/ Ibid., Supplement No. 5G (A/45/5/Add.7).

18/ Ibid., Supplement No. 5E (A/45/5/Add.5).

19/ Ibid., Supplement No. 5C (A/45/5/Add.3).

20/ Ibid., Supplement No. 5D (A/45/5/Add.4).

21/ See A/45/570 and Corr.1.

22/ See A/45/457, annex.

Recognizing the progress made in the implementation of General Assembly resolution 44/183 of 19 December 1989,

Noting with appreciation the steps taken by executive heads and governing bodies of the United Nations organizations and programmes to give appropriate consideration and attention to the audit reports,

Taking into consideration the views expressed by delegations, by the Board of Auditors, by the Advisory Committee on Administrative and Budgetary Questions and by representatives of the United Nations organizations and programmes during the debate in the Fifth Committee on this item, and the widely expressed support for measures to improve the efficiency, management, financial accountability and budgetary control of the United Nations organizations and programmes concerned,

Noting with concern that the Board of Auditors, for the reasons stated in its reports, issued qualified audit opinions on the financial statements of the United Nations, the United Nations Development Programme and the United Nations Population Fund, and also issued a qualified audit opinion on compliance with the financial regulations and legislative authority on the transactions of the United Nations Institute for Training and Research,

Noting the efforts by a number of United Nations organizations and programmes to improve the presentation and format of financial statements and the accounting policies followed,

1. Accepts the financial reports and audited financial statements and the audit opinions and reports of the Board of Auditors regarding the aforementioned organizations;

2. Requests the governing bodies of the United Nations Development Programme and the United Nations Population Fund to require the executive heads concerned:

(a) To intensify their efforts to correct or improve the conditions that gave rise to the qualification of audit opinions of the Board of Auditors;

(b) To issue and implement comprehensive and specific guidelines in order to delineate appropriately programme expenditure, programme support and administrative expenditures;

3. Takes note of the recommendation, contained in paragraph 52 of the report of the Advisory Committee on Administrative and Budgetary Questions, 21/ and requests the United Nations Children's Fund and all relevant parties, in considering the implementation of the recommendation, to take fully into account the divergent views expressed by Member States in the Fifth Committee in this regard;

4. Endorses all other recommendations and observations of the Advisory Committee on Administrative and Budgetary Questions and approves all of the recommendations and observations of the Board of Auditors subject to the provisions of the present resolution, taking into account the views expressed by Member States in the Fifth Committee;

5. Requests the Panel of External Auditors to submit to the General Assembly at its forty-sixth session, through the Administrative Committee on Co-ordination and the Advisory Committee on Administrative and Budgetary Questions, an interim study on concrete issues to be resolved through the development of appropriate accounting principles and standards for consistent application in the United Nations system, taking into account the feasibility and benefits of such principles, as well as the major problems to be addressed in this regard;

6. Approves the changes in the financial procedures of the United Nations Development Programme, as recommended by the Governing Council of the Programme in its decision 90/48, 23/ and the United Nations Population Fund, as recommended by the Governing Council in its decision 90/36; 23/

7. Decides that the reporting procedures, including those regarding substantive and management issues, that apply to United Nations organizations and programmes audited on a biennial basis shall also apply to the United Nations Children's Fund;

8. Invites the Board of Auditors to issue a special report for United Nations organizations audited on a biennial basis for the first year of each biennium through the Advisory Committee on Administrative and Budgetary Questions, if in the opinion of the Board there are matters that need to be brought to the attention of the governing bodies and/or the General Assembly;

9. Requests the Secretary-General to include in the proposed programme budget for 1992-1993 resources for the Board of Auditors corresponding to its work-load and adequate to carry out its functions in accordance with the financial regulations, taking into account all relevant decisions of the General Assembly, including those relating to revised reporting procedures approved for the United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund;

10. Expresses its concern with regard to the findings of the Board of Auditors that procurement procedures are not being fully complied with, requests the administrations involved to take immediate action to correct this problem, and invites the Administrative Committee on Administrative and Budgetary Questions to monitor the action taken;

23/ Official Records of the Economic and Social Council, 1990, Supplement No. 9 (E/1990/29), annex I.

11. Welcomes the intention of the Secretary-General to renegotiate the existing arrangements for common and joint services at the Vienna International Centre and requests the governing bodies and the executive heads of the United Nations Industrial Development Organization and the International Atomic Energy Agency to co-operate fully with him in this process;

12. Requests the Secretary-General to discuss with the executive heads of the United Nations Industrial Development Organization and the International Atomic Energy Agency the problem of compensation for the excessive costs charged by these organizations to the United Nations Office at Vienna for the majority of existing joint and common services at the Vienna International Centre;

13. Requests the Secretary-General and the executive heads of United Nations organizations and programmes:

(a) To submit to their respective governing bodies, as well as to the General Assembly at its forty-sixth session, detailed progress reports on steps taken to implement previous recommendations of the Board of Auditors and the related recommendations of the Advisory Committee on Administrative and Budgetary Questions and to explain if any of those recommendations have not yet been implemented, and requests the Board and the Committee to evaluate the efficacy of those measures, and to report thereon to the General Assembly at its forty-sixth session;

(b) To consider, in consultation with the Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions, effective measures to facilitate reporting by staff members on a confidential basis of any inappropriate use of the resources of a United Nations organization or programme, and to report to the General Assembly in this regard at its forty-sixth session;

(c) To implement stringent inventory controls on non-expendable property and to report on measures taken in this regard to the General Assembly at its forty-sixth session;

(d) To institute without delay more effective control on the payment of all allowances and benefits to staff members and to report on measures taken in this regard to the General Assembly at its forty-sixth session;

14. Reaffirms the importance of strict compliance with financial regulations and rules on the subject of unliquidated obligations, and requests the Secretary-General, in the light of his experience in implementing the new budget process and in the context of the recommendations of the Board of Auditors, to analyse outstanding issues on this subject and to submit a thorough report to the General Assembly at its forty-sixth session;

15. Expresses appreciation to the Secretary-General for the steps taken to eliminate abuses in the payment of income tax reimbursements, and requests him to continue efforts to recover outstanding excess income tax reimbursements;

16. Urges the executive heads of other organizations and programmes to investigate possible abuses in the payment of income tax reimbursements to their

staff members and to report on efforts taken in this regard to the General Assembly at its forty-sixth session;

17. Requests the Board of Auditors to ensure regular audit coverage of all extrabudgetary expenditures, including the various trust funds managed by the Secretary-General or the executive heads of United Nations organizations and programmes;

18. Requests the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to report to the General Assembly at its forty-sixth session on the measures taken by the Agency to rectify the shortcomings identified by the audit of the Area Staff Provident Fund;

19. Invites the governing bodies of organizations and programmes for which audited financial statements have been considered by the General Assembly to ensure that full consideration is given to the reports of the Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions and the comments made thereon in the Fifth Committee with a view to taking appropriate remedial measures;

20. Requests the executive heads of the United Nations organizations and programmes to ensure that expenditures do not exceed the level of funds provided under allotments, in accordance with the financial rules, and to enforce existing disciplinary measures with a view to enhancing accountability and budgetary discipline;

21. Requests the Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions to continue to cover, in their review of organizations and programmes, including peace-keeping operations, the areas relating to the efficiency and effectiveness of the financial procedures and controls, the accounting system and related administrative and management aspects in accordance with regulation 12.5 of the Financial Regulations of the United Nations and to recommend measures, as appropriate, to strengthen financial and management controls and to standardize the financial reporting of the organizations;

22. Recommends that all future reports of the Board of Auditors continue to include separate sections that contain a summary of recommendations for corrective action to be taken by the United Nations organizations and programmes concerned, with an indication of relative urgency and a timetable for remedial action;

23. Encourages the Board of Auditors to carry out its audits in a comprehensive manner in response to paragraph 13 of General Assembly resolution 44/183;

24. Welcomes the review of the Board of Auditors of the liquidity positions of United Nations organizations, and requests the board to conduct a further review, bearing in mind that the information should be presented in a standardized manner;

25. Recommends that the Board of Auditors continue to submit to the General Assembly a concise document summarizing its principal findings, conclusions and recommendations of common interest, classified by audit area and, where appropriate, identifying the audited organization.

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Forty-fifth session
Agenda item 135

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH
(Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States" was included in the provisional agenda for the forty-fifth session pursuant to General Assembly resolution 43/160 B of 9 December 1988.

2. At its 3rd plenary meeting, on 1 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/45/438) containing the views presented by Member States pursuant to paragraph 3 of resolution 43/160 B.

4. The Sixth Committee considered the item at its 10th, 43rd and 45th meetings, on 5 October and on 16 and 20 November 1990. The summary records of those meetings contain the views of the representatives who spoke during the consideration of the item (A/C.6/45/SR.10, 43 and 45).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/45/L.12

5. At the 43rd meeting, on 16 November, the representative of Cuba introduced a draft resolution, entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States" (A/C/6/45/L.12) sponsored by Kuwait, the Libyan Arab Jamahiriya, Somalia, and Yemen later joined by Cuba.

6. At the 45th meeting, on 20 November, the Committee, having taken a recorded vote, adopted draft resolution A/C.6/45/L.12 by 82 votes to 10, with 24 abstentions (see para. 8). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Barbados, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, France, Germany, Grenada, Israel, Italy, Luxembourg, Netherlans, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador, Finland, Greece, Guatemala, Hungary, Iceland, Ireland, Japan, Liechtenstein, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Romania, Spain, Sweden, Turkey.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. Statements in explanation of vote were made by the representative of Italy (on behalf of the Twelve member States of the European Community), Israel and the United States of America.

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States

The General Assembly,

Recalling its resolutions 35/167 of 15 December 1980, 37/104 of 16 December 1982, 39/76 of 13 December 1984 and 41/71 of 3 December 1986,

Recalling also its resolutions 3237 (XXIX) of 22 November 1974 and 3280 (XXIX) of 10 December 1974,

Taking note of the report of the Secretary-General, 1/

Bearing in mind the resolution of the United Nations Conference on the Representation of States in Their Relations with International Organizations relating to the observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States, 2/

Noting that the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, of 14 March 1975, 3/ regulates only the representation of States in their relations with international organizations,

Taking into account the current practice of inviting the above-mentioned national liberation movements to participate as observers in the sessions of the General Assembly, specialized agencies and other organizations of the United Nations system and in the work of the conferences held under the auspices of such international organizations,

Convinced that the participation of the national liberation movements referred to above in the work of international organizations helps to strengthen international peace and co-operation,

Desirous of ensuring the effective participation of the above-mentioned national liberation movements as observers in the work of the international organizations and of regulating, to that end, their status and the facilities, privileges and immunities necessary for the performance of their functions,

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1/ A/45/438.

2/ See Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations, Vienna, 4 February-14 March 1975, vol. II (United Nations publication, Sales No. E.75.V.12), document A/CONF.67/15, annex.

3/ Ibid., vol. II, p. 207.

Noting that many States have recognized those national liberation movements and have granted them facilities, privileges and immunities in their countries,

1. Urges all States that have not done so, in particular those which are host to international organizations or to conferences convened by, or held under the auspices of, international organizations of a universal character, to consider as soon as possible the question of ratifying, or acceding to, the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;

2. Calls once more upon the States concerned to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States and accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions, in accordance with the provisions of the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;

3. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

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19 November 1990

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Forty-fifth session
Agenda item 136

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH (Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the forty-fifth session of the General Assembly, pursuant to paragraph 6 of General Assembly resolution 43/161 of 9 December 1988.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/45/454), pursuant to paragraph 5 of General Assembly resolution 43/161.

4. The Sixth Committee considered the item at its 8th, 9th and 44th meetings on 2 and 3 October and 19 November 1990. The summary records of those meetings (A/C.6/45/SR.8, 9 and 44) contain the views of the representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/45/L.17

5. At the 44th meeting, on 19 November 1990, the representative of Norway introduced a draft resolution (A/C.6/45/L.17) sponsored by Austria, Canada, Czechoslovakia, Denmark, Finland, Germany, the Libyan Arab Jamahiriya, the Netherlands, New Zealand, Norway, Romania, Sweden and the Union of Soviet Socialist Republics.

6. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.17 without a vote (see para. 8).

7. Statements in explanation of position were made by the representatives of the United States and Israel.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986 and 43/161 of 9 December 1988,

Having considered the report of the Secretary-General 1/ on the status of the Protocols 2/ Additional to the Geneva Conventions of 1949 3/ and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments pending the earliest possible termination of such conflicts,

Stressing the need for and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

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1/ A/45/454.

2/ United Nations Treaty Series, vol. 1125, Nos. 17512 and 17513.

3/ Ibid., vol. 75, Nos. 970-973.

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Notes, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited;

3. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties also to the additional Protocols at the earliest possible date;

4. Calls upon all States becoming Parties to Protocol I to consider making the declaration provided for under article 90 of that Protocol;

5. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Protocols based on information received from Member States;

6. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH (Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the agenda of the forty-fifth session of the General Assembly pursuant to paragraph 10 of General Assembly resolution 43/167 of 9 December 1988.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/45/455 and Add.1-3), submitted pursuant to paragraph 9 of resolution 43/167, containing the reports and the views presented by States under paragraphs 8 and 9 of that resolution and paragraphs 9 and 11 of resolution 42/154 of 7 December 1987, as well as information submitted in accordance with paragraphs 12 and 9 of resolutions 42/154 and 43/167 respectively, on the state, as at 15 August 1990, of ratification of and accessions to the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 and the respective Optional Protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The following communication has also been circulated under the item: letter dated 27 June 1990 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General (A/45/325).

4. The Committee considered the item at its 5th, 6th, 7th and 45th meetings, on 25 and 26 September, 2 October and 20 November 1990. The summary records of those meetings contain the views of representatives who spoke during the consideration of the item (A/C.6/45/SR.5-7 and 45).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/45/L.15

5. At the 45th meeting, on 20 November 1990, the representative of Finland introduced a draft resolution (A/C.6/45/L.15), entitled "Consideration of effective measures to enhance the protection and safety of diplomatic and consular missions and representatives", sponsored by Argentina, Australia, Austria, Botswana, Bulgaria, Czechoslovakia, Denmark, Finland, Germany, Hungary, Iceland, Japan, the Netherlands, New Zealand, Norway, the Philippines, Romania, Sweden, Turkey, the Ukrainian Soviet Socialist Republic and Uruguay.

6. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.15 by a recorded vote of 120 votes to 1, with no abstentions (see para. 10). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Iraq.

Abstaining: None.

7. Statements in explanation of vote before the vote were made by the representatives of Italy (speaking on behalf of the Twelve States members of the European Community), the United States, Canada, Iraq, Yemen, Argentina, Saudi Arabia and Bahrain.

B. Draft resolution A/C.6/45/L.14

8. At the 45th meeting, on 20 November, the Sixth Committee had before it a draft resolution (A/C.6/45/L.14), entitled "Consideration of effective measures to enhance the protection and safety of diplomatic and consular missions and representatives", sponsored by Kuwait, which read as follows:

"Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

"The General Assembly,

"Having considered the report of the Secretary-General, 1/

"Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

"Alarmed by the repeated acts of violence by Iraq against diplomatic and consular missions and representatives, as well as against representatives to international and intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

"Concurring with Security Council resolutions 664 (1990) of 18 August 1990 and 667 (1990) of 16 September 1990 regarding the closure by Iraq of diplomatic and consular missions in Kuwait and Kuwaiti missions in Iraq and the revoking of the immunity and privileges of these missions and their staff,

"Considering that the decision of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the immunity and privileges of these missions and their personnel is contrary to the Vienna Convention on Diplomatic Relations of 18 April 1961 2/ and the Vienna Convention on Consular Relations of 24 April 1963 3/ and relevant decisions of the Security Council and international law,

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1/ A/45/455 and Add.1-3.

2/ United Nations, Treaty Series, vol. 500, p. 95.

3/ Ibid., vol. 596, p. 261.

"1. Strongly condemns the acts of aggression against diplomatic and consular missions and representatives in Kuwait and Iraq;

"2. Demands that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests. This includes the right of free passage of diplomatic and consular personnel travelling from or to the sending State."

9. At the same meeting, the representative of Kuwait withdrew the draft resolution.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General, 4/

Conscious of the need to develop and strengthen friendly relations and co-operation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Recalling Security Council resolutions 664 (1990) of 18 August 1990, 667 (1990) of 16 September 1990 and 674 (1990) of 29 October 1990 regarding, inter alia, certain recent flagrant violations of international law concerning the protection, security and safety of diplomatic and consular missions and representatives,

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4/ A/45/455 and Add.1-3.

Mindful of the universal condemnation of those violations during the debate in the Sixth Committee,

Concerned at the abuse of diplomatic or consular privileges and immunities, particularly if acts of violence are involved,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

Reaffirming its resolution 43/167 of 9 December 1988,

1. Takes note of the report of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Calls for the immediate cessation of continuing violation of the protection, security and safety of diplomatic and consular missions and representatives and for respect of the right of free passage of diplomatic and consular personnel coming from or returning to the sending State;

4. Urges States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

5. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

6. Recommends that States should co-operate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to exchange of information on the circumstances of all serious violations thereof;

7. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

8. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

9. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

10. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 9 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

11. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Secretary-General".

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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH
(Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-fifth session, pursuant to paragraph 5 of General Assembly resolution 44/23 of 17 November 1989.

2. At its third plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/45/430 and Corr.1, and A/45/430/Add.1-3), submitted pursuant to paragraph 3 of General Assembly resolution 44/23.

4. The Sixth Committee also had before it a note verbale, dated 23 October 1990, from the Permanent Representative of Italy to the United Nations, addressed to the Secretary-General (A/45/666).

5. In paragraph 4 of its resolution 44/23, the General Assembly decided to consider the question of the programme for the United Nations Decade of International Law and of appropriate action to be taken during the Decade, at its forty-fifth session in a working group of the Sixth Committee, with a view to preparing generally acceptable recommendations for the Decade. At its 6th meeting, on 26 September 1990, the Sixth Committee elected Mr. Budislav Vukas (Yugoslavia) as Chairman of the Working Group of the United Nations Decade of International Law for the session.

6. At the 39th meeting, on 13 November 1990, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/45/L.5).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 39th to 42nd and 44th meetings, on 13 to 15 and 19 November 1990. The summary records of those meetings (A/C.6/45/SR.39-42 and 44) contain the views of those representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/45/L.16

8. At the 44th meeting, on 19 November 1990, the representative of Yugoslavia introduced a draft resolution (A/C.6/45/L.16) sponsored by Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Brazil, Bulgaria, Canada, China, Colombia, Cyprus, Czechoslovakia, the Dominican Republic, Egypt, El Salvador, Ethiopia, Ghana, Greece, Hungary, India, Iran (Islamic Republic of), Kenya, the Libyan Arab Jamahiriya, Morocco, Nicaragua, Nigeria, Portugal, Romania, Senegal, Sweden, Thailand, Tunisia, the Union of Soviet Socialist Republics, Venezuela, Viet Nam, Yugoslavia and Zaire, later joined by Belgium, Benin, Bolivia, Chile, Denmark, Ecuador, Finland, France, Germany, Guinea-Bissau, Guyana, Italy, Japan, Madagascar, Mauritania, Mexico, the Netherlands, Norway, Pakistan, Peru, Poland, Singapore, Spain, the Sudan, the United Kingdom of Great Britain and Northern Ireland, Yemen and Zambia.

9. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.16 without a vote (see para. 10).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989 by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law;

Recalling further that it decided to consider the question of the programme for the Decade and of appropriate action to be taken during the Decade at its forty-fifth session,

Expressing its appreciation for the Secretary-General's report on the United Nations Decade of International Law 1/ submitted pursuant to resolution 44/23,

Noting that the Sixth Committee established a Working Group with a view to preparing generally acceptable recommendations for the Decade,

Having considered the report of the Sixth Committee submitted to that end:

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group, of the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law and requests the Working Group to continue its work at the forty-sixth session in accordance with its mandate and methods of work;

2. Adopts the programme for the activities to be commenced during the first term (1990-1992) of the Decade, which is annexed hereto, as an integral part of the present resolution;

3. Expresses its appreciation to States and international organizations for taking the initiative to sponsor conferences on various subjects of international law;

4. Invites all international organizations and institutions referred to in the programme to undertake the relevant activities thereunder and, as appropriate, to submit to the Secretary-General interim or final reports at the forty-sixth session, but not later than the forty-seventh session;

5. Requests the Secretary-General to submit a progress report to the General Assembly at its forty-sixth session on the implementation of the programme for the activities to be commenced during the first term (1990-1992) of the Decade;

6. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme, for the activities of the Decade;

1/ A/45/430 and Corr.1 and Add.1-3.

7. Requests the Secretary-General to bring the present resolution to the attention of States and appropriate international bodies, as well as of non-governmental organizations working in the field;

8. Decides to include in the provisional agenda of its forty-sixth session the item entitled "United Nations Decade of International Law".

ANNEX

Programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme of the United Nations Decade of International Law, calls upon States to act in accordance with international law, and particularly the Charter of the United Nations.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties.

4. States are encouraged to report to the Secretary-General on ways and means, as provided for by the multilateral treaties to which they are parties, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

1. The United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institut de droit international, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, as well as national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. States are invited to make proposals to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

3. The Sixth Committee is requested to consider, taking into account the above-mentioned suggestions and proposals, and, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or the Working Group of the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods of early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of co-operation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

1. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programmes and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a

report on the relevant activities of the United Nations, including the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1, States are invited to submit suggestions for consideration and, as appropriate, recommendations by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

3. The Sixth Committee is requested to study, taking into account General Assembly resolution 684 (VII) of 6 November 1952, its co-ordinating role, including with respect to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization is requested to continue studying possible measures to strengthen the United Nations system for the maintenance of international peace and security. States, particularly those that proposed the inclusion of this question in the programme for the Decade, are invited to present draft texts to the Secretary-General or the Special Committee for consideration.

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is requested, in the context of the Decade, to formulate relevant guidelines for the Programme's activities and to report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Co-operation between institutions at the university level amongst developing countries, on the one hand, and their co-operation with those of developed countries on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. The United Nations system of organizations, regional organizations and States should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law. States and regional organizations have already expressed their readiness to undertake such activities on the following subjects: developing countries and international law (China); developing countries and international legislation on the environment (China); law of the sea (Yugoslavia); joint ventures in deep sea-bed mining (Asian-African Legal Consultative Committee); and promotion of the ratification of the United Nations conventions on refugees (Asian-African Legal Consultative Committee).

5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law and regional organizations are invited to co-operate in this respect with States.

6. Co-operation among developing countries, as well as between developed and developing countries, in particular those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

7. In order to make better known the practice of international law, States, regional and other international organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

8. It would be conducive to the teaching and dissemination of international law if all judgements and advisory opinions of the International Court of Justice were available in all official languages of the United Nations. As envisaged in General Assembly resolution 44/28 of 4 December 1989 and bearing in mind the wishes expressed by States, the Sixth Committee will consider, at the forty-sixth session of the General Assembly, the Secretary-General's report containing a study of alternative means of making the publications of the International Court of Justice available in all the other official languages in addition to French and English, within the existing overall level of appropriations and in a way which meets the concerns expressed by the Court. Such a study should also consider the possibility, within the existing overall level of appropriations, of compiling and publishing thematic and analytical summaries of the judgements and advisory opinions of the International Court of Justice.

9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

10. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an

electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group and with the assistance of the Secretariat, will be the co-ordinating body of the programme for the United Nations Decade of International Law. The question of the use of an intra-sessional or inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee is requested to continue to prepare the programme of activities for the Decade.

3. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above are requested to submit interim or final reports preferably at the forty-sixth session and not later than the forty-seventh session of the General Assembly.

4. States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

5. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH
(Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the agenda of the forty-fifth session of the General Assembly pursuant to paragraph 5 of General Assembly resolution 44/31 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it section IV of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ as well as the report submitted by the Secretary-General (A/45/436 and Add.1) pursuant to paragraph 4 of resolution 44/31.

4. The Sixth Committee also had before it the following documents:

(a) Letter dated 12 December 1989 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/45/56-S/21021);

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 33 (A/45/33).

(b) Letter dated 18 December 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/45/62);

(c) Letters dated 29 December 1989, 8 March and 12 June 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Oman to the United Nations addressed to the Secretary-General (A/45/73-S/21065; A/45/160-S/21182; A/45/310-S/21355);

(d) Letters dated 15 January, 28 March, 13 July and 19 September 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Pakistan addressed to the Secretary-General (A/45/79-S/21080; A/45/184-S/21216; A/45/346-S/21395; A/45/527-S/21801);

(e) Letters dated 19 January and 7 February 1990 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/45/88; A/45/111-S/21132);

(f) Letter dated 14 February 1990 from the Permanent Representatives of the Lao People's Democratic Republic and Viet Nam to the United Nations addressed to the Secretary-General (A/45/124-S/21146);

(g) Letters dated 23 February 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (A/45/139-S/21163; A/45/140-S/21164);

(h) Letter dated 7 March 1990 from the Permanent Representatives of Thailand and the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/45/164-S/21187);

(i) Letters dated 12 March, 4 April, 21 June, 2 August and 9 October 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/45/165-S/21189 and Corr.1; A/45/201-S/21228; A/45/318-S/21370; A/45/378; A/45/600-S/21857);

(j) Letters dated 23 March and 13 August 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Hungary to the United Nations addressed to the Secretary-General (A/45/178; A/45/412-S/21515);

(k) Letters dated 2, 6, 12 and 22 August and 7 and 19 September 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General (A/45/368-S/21426; A/45/383-S/21444; A/45/409-S/21502; A/45/433-S/21590; A/45/484-S/21721; A/45/522-S/21795);

(l) Letter dated 22 August 1990 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/45/439-S/21603);

(m) Letters dated 29 August and 7 September 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General (A/45/467-S/21673; A/45/485-S/21722);

(n) Letter dated 8 October 1990 from the Ministers for Foreign Affairs of Hungary and of the Ukrainian Soviet Socialist Republic to the Secretary-General (A/45/597);

(o) Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America addressed to the Secretary-General (A/45/598-S/21854);

(p) Letter dated 19 October 1990 from the Permanent Representatives of Poland and the Ukrainian Soviet Socialist Republic to the United Nations addressed to the Secretary-General (A/45/657).

5. The Sixth Committee considered the item at its 10th to 17th and 34th meetings, from 5 to 17 October and on 8 November 1990. The summary records of those meetings (A/C.6/45/SR.10-17 and 34) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF DRAFT DECISION A/C.6/45/L.7

6. At the 34th meeting, on 8 November 1990, draft decision A/C.6/45/L.7, entitled "Peaceful settlement of disputes between States", proposed by the Chairman of the Sixth Committee, was introduced by him to the Committee.

7. At the same meeting, the Sixth Committee adopted draft decision A/C.6/45/L.7 without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Peaceful settlement of disputes between States

The General Assembly,

Having considered the item entitled "Peaceful settlement of disputes between States",

Taking note of the report of the Secretary-General on the item, 2/

2/ A/45/436 and Add.1.

Decides that the question of the peaceful settlement of disputes between States shall be examined within the framework of the programme for the United Nations Decade of International Law and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as appropriate.

UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/45/735
26 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda items 140 and 142

DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SECOND SESSION

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Draft Code of Crimes against the Peace and Security of Mankind" and the item entitled "Report of the International Law Commission on the work of its forty-second session", and to allocate them to the Sixth Committee.

2. In connection with the first item, the Sixth Committee had before it, in addition to chapter II of the report of the International Law Commission on the work of its forty-second session, 1/ a report by the Secretary-General (A/45/437) containing replies received from States further to the request contained in paragraph 3 of General Assembly resolution 44/32 of 4 December 1989.

3. In connection with the second item, the Sixth Committee had before it the following documents:

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10).

(a) Report of the International Law Commission on the work of its forty-second session; 2/

(b) Note by the Secretary-General containing the text of the draft articles adopted by the International Law Commission on topics considered at its forty-second session (A/45/469).

4. The Sixth Committee considered the two items at its 23rd to 39th meetings and at its 45th meeting, held from 29 October to 13 November and on 20 November 1990. The summary records of those meetings (A/C.6/45/SR.23-39 and 45) contain the views of the representatives who spoke on the item.

5. At the 23rd meeting, on 29 October, Mr. Juyong Shi, Chairman of the International Law Commission at its forty-second session, introduced the Commission's report on the work of that session. At the 39th meeting, on 13 November, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/45/L.13

6. A draft resolution, sponsored by Antigua and Barbuda, the Bahamas, Barbados, Belize, Costa Rica, Dominica, Grenada, Guyana, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago, was submitted under item 140 in document A/C.6/45/L.13. It read as follows:

"Establishment of an international criminal court or other international criminal trial mechanism

"The General Assembly,

"Recalling its resolution 44/39 of 4 December 1989, entitled 'International criminal responsibility of individuals and entities engaged in illicit trafficking in narcotic drugs across national frontiers and other transnational criminal activities: establishment of an international criminal court with jurisdiction over such crimes',

"Noting that the International Law Commission was requested, when considering at its forty-second session the item entitled 'Draft Code of Crimes against the Peace and Security of Mankind', to address the question of establishing an international criminal court or other international criminal trial mechanism with jurisdiction over persons alleged to have committed crimes which may be covered under such a code, including persons engaged in illicit trafficking in narcotic drugs across national frontiers, and to devote particular attention to that question in its report on that session,

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2/ Ibid.

"Reiterating that there continues to be an urgent need for the establishment of an international criminal court which will enhance and strengthen the capacity of the international community to deal with all forms of international criminal activity,

"Recalling further its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 as the United Nations Decade of International Law,

"Noting that one of the main purposes of the Decade is to encourage the progressive development of international law and its codification,

"Noting that the work of the International Law Commission in identifying crimes against the peace and security of mankind continues,

"Noting also that this work necessarily involves the Commission in considering a relatively large number of crimes,

"Convinced that the establishment of an international criminal court would be an appropriate contribution to the purposes of the Decade and the strengthening of the rule of law in international relations,

"Noting further that the International Law Commission at its forty-second session considered extensively the question concerning the possible establishment of an international criminal jurisdiction, 1/

"1. Expresses its appreciation to the International Law Commission for its report 2/ and for its in-depth examination of the possible establishment of an international criminal court and other possible international criminal trial mechanism, 1/ as well as to the Special Rapporteur on the topic and the Working Group of the Commission for their contribution to this work;

"2. Invites the International Law Commission at its forty-third session to continue its work on the establishment of an international criminal court;

"3. Further invites the International Law Commission, as it continues to examine various possibilities for the jurisdiction of such a court, to pay particular attention to the possibility of such a court being vested by States with jurisdiction over an agreed set of crimes selected from those crimes now under consideration by the Commission;

"1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), chap. II.C.

"2/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10).

"4. Requests the Secretary-General to forward to the International Law Commission, for its consideration, the summary records of the debate on the Draft Code of Crimes against the Peace and Security of Mankind;

"5. Also requests the Secretary-General to transmit to the International Law Commission the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990, 3/ which, inter alia, recommended that the International Law Commission should be encouraged to continue to explore the possibility of establishing an international criminal court or some other international criminal trial mechanism with due regard for the sovereignty and the territorial and political integrity of States and the self-determination of peoples;

"6. Decides that the question of establishing an international criminal court or other possible international criminal trial mechanism should be considered at its forty-sixth session under the item entitled 'Draft Code of Crimes against the Peace and Security of Mankind', and when examining the report of the International Law Commission on the work of its forty-third session."

"3/ A/CONF.144/28.

7. At the 45th meeting of the Committee, on 20 November 1990, the draft resolution was withdrawn.

B. Draft resolution A/C.6/45/L.19

8. At the 43rd meeting, the representative of the Netherlands introduced a draft resolution (A/C.6/45/L.19). The draft resolution was sponsored by Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Mali, Morocco, the Netherlands, Norway, Peru, Romania, Senegal, Spain, Sweden, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam and Yugoslavia, later joined by Bahrain, China, Guatemala, Guinea, New Zealand, Nigeria and Zaire, and was submitted under agenda items 140 and 142.

9. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.19 without a vote (see para. 11).

10. The representative of the United States made a statement in explanation of position.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its forty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-second session, 3/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 4/ and to give increased importance to its role in relations among States,

Taking note with appreciation of the work of the International Law Commission on the elaboration of a code of crimes against the peace and security of mankind which could contribute to strengthening international peace and security,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contributions to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Taking note with appreciation of the report of the International Law Commission on the question of a possible international criminal jurisdiction and noting also the debate in the Sixth Committee pertaining to this topic,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in

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3/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10).

4/ Resolution 2625 (XXV), annex.

such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-second session;

2. Requests the International Law Commission to continue its work on the topics in its current programme, listed as items 3 to 8 in paragraph 9 of its report, taking into account the comments of Governments, whether in writing or expressed in the General Assembly, with a view to reaching at its forty-third session the goals indicated in paragraphs 537 to 542 of its report;

3. Invites the International Law Commission as it continues its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report on the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism;

4. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work, and to formulate proposals on its future programme of work;

5. Requests the International Law Commission:

(a) To consider further its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

6. Invites the International Law Commission, when circumstances so warrant, to request a special rapporteur to attend the session of the General Assembly during the discussion of the topic for which that special rapporteur is responsible and requests the Secretary-General to make the necessary arrangements within existing resources;

7. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

8. Decides that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-sixth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission;

9. Recommends that the debate on the report of the International Law Commission at the forty-sixth session of the General Assembly commence on 28 October 1991;

10. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 552 of the report, and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

11. Also takes note of the intention of the International Law Commission, expressed in paragraph 548 of its report, to allow for two weeks of concentrated work in the Drafting Committee at the beginning of the forty-third session and requests the International Law Commission to report on the results of that arrangement;

12. Reaffirms its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. Urges Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its programme of work;

14. Reaffirms its wish that the International Law Commission continue to enhance its co-operation with intergovernmental legal bodies whose work is of interest for the progressive development of international law and its codification;

15. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

16. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate.

UNITED
NATIONS

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General Assembly

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19 November 1990

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Forty-fifth session
Agenda item 141

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-THIRD SESSION

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH
(Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-third session" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to General Assembly resolution 44/33 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Commission, 1/ which was introduced by the Chairman of the Commission at the 3rd meeting of the Sixth Committee, on 24 September 1990.

4. The Sixth Committee considered the item at its 3rd to 5th and 43rd meetings, from 24 to 25 September and on 16 November 1990. The summary records of those meetings (A/C.6/45/SR.3-5 and 43) contain the views of the representatives who spoke on the item.

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17).

II. CONSIDERATION OF DRAFT RESOLUTION

5. At the 43rd meeting, on 16 November, the representative of Austria introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-third session" (A/C.6/45/L.10), sponsored by Argentina, Australia, Austria, Brazil, Byelorussian Soviet Socialist Republic, Chile, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, France, Germany, Greece, Guatemala, Hungary, Italy, Kenya, Lesotho, Libyan Arab Jamahiriya, Morocco, Netherlands, Poland, Spain, Sweden, Turkey, Venezuela and Yugoslavia, later joined by Bahrain, Canada, Myanmar and Thailand.

6. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.10 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its twenty-third session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade, as well as its resolutions 43/166 of 9 December 1988 and 44/33 of 4 December 1989,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic co-operation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-third session, 2/

2/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17).

Mindful of the valuable contribution to be rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade for International Law, particularly as regards the dissemination of international trade law,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-third session;

2. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

3. Calls upon the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth 3/ and seventh 4/ special sessions;

4. Reaffirms also the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia, in particular those organized on a regional basis, to promote such training and assistance;

5. Requests the Secretary-General, in consultation with the Commission's secretariat, to prepare a report with a view to analysing possible ways by which assistance could be given to developing countries members of the Commission, in particular to least developed countries, to attend meetings of the Commission and its working groups, bearing in mind the arrangements that exist for United Nations bodies generally, pursuant to resolution 43/217, section IX, of 21 December 1988, and to submit it to the General Assembly at its forty-sixth session;

6. Repeats its invitation to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission.

3/ Resolutions 3201 (S-VI) and 3202 (S-VI).

4/ Resolution 3362 (S-VII).

UNITED
NATIONS

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General Assembly Security Council

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S/21956
21 November 1990
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 28
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-fifth year

Letter dated 21 November 1990 from the Permanent Representatives of Costa Rica, Guatemala, Honduras and Nicaragua to the United Nations addressed to the Secretary-General

We, the Permanent Representatives of Costa Rica, Guatemala, Honduras and Nicaragua, have the honour to transmit to you the following communication:

The Governments of Costa Rica, Guatemala, Honduras and Nicaragua, faced with the grave events occurring in our sister Republic of El Salvador,

1. Reassert their legitimate interest in achieving a peaceful negotiated solution to end the armed conflict in El Salvador;

2. To that effect request the Secretary-General of the United Nations, in the exercise of the duties conferred upon him by the Geneva agreement, personally to make the necessary representations to the Frente Farabundo Martí para la Liberación Nacional (FMLN) in order to ensure the early cessation of the hostile acts launched yesterday;

3. Urge the international community to support this request.

We should be grateful if you would have this communication circulated as an official document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Cristian TATTENBACH
Ambassador
Permanent Representative of Costa Rica
to the United Nations

(Signed) Francisco VILLAGRAN DE LEON
Ambassador
Permanent Representative of Guatemala
to the United Nations

(Signed) Roberto FLORES
Ambassador
Permanent Representative of Honduras
to the United Nations

(Signed) Roberto MAYORGA
Ambassador
Permanent Representative of Nicaragua
to the United Nations

UNITED NATIONS

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General Assembly

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A/45/738
26 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 143

CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-first session, 1/ which contained the draft articles adopted at that session by the Commission on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as draft Optional Protocol One on the status of the courier and the bag of special missions, and draft Optional Protocol Two on the status of the courier and the bag of international organizations of a universal character, also adopted by the Commission at the same session.

3. In accordance with paragraph 2 of General Assembly resolution 44/36 of 4 December 1989, informal consultations were held under the chairmanship of the

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1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10).

Chairman of the Sixth Committee to study the above-mentioned draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect.

4. The Sixth Committee considered the item at its 43rd and 45th meetings, on 15 and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.43 and 45) contain the views of the representatives who spoke on the item.

5. At the 43rd meeting, the Chairman of the Sixth Committee orally reported on the results of the informal consultations referred to in paragraph 3 above. At the same meeting, the Sixth Committee took note of the oral report of the Chairman.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/45/L.8

6. A draft resolution presented by the Chairman of the Sixth Committee was circulated under the symbol A/C.6/45/L.8. It read as follows:

"Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto

"The General Assembly,

"Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and also prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character, 1/

"Recalling further that by paragraph 2 of resolution 44/36 it decided to hold informal consultations at the forty-fifth session of the General Assembly to study the draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect,

"1. Expresses its satisfaction at the useful informal consultations which were accordingly held at the forty-fifth session and takes note of the oral report of the Chairman of the Sixth Committee on those consultations;

"1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.

"2. Decides that the informal consultations will be resumed at the forty-sixth session of the General Assembly to continue the study of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the question of how to deal further with these draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect;

"3. Also decides to include in the provisional agenda of its forty-sixth session the item entitled 'Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto'."

7. At the 45th meeting, on 20 November 1990, the Chairman introduced a revised version of the draft resolution (A/C.6/45/L.8/Rev.1).

8. Also at that meeting, the Committee adopted draft resolution A/C.6/45/L.8/Rev.1 without a vote (see para. 9).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto

The General Assembly,

Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and had also prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character, 2/

1. Expresses its satisfaction at the useful informal consultations that were accordingly held at the forty-fifth session to study the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the

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2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.

question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect, and takes note of the oral report of the Chairman of the Sixth Committee on those consultations;

2. Decides that these informal consultations will be resumed at the forty-sixth session of the General Assembly;

3. Also decides to include in the provisional agenda of its forty-sixth session the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

UNITED NATIONS

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General Assembly

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A/45/739
19 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 144

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH
(Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 9 of resolution 44/37 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assemby, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization 1/ which was introduced by the Chairman of the Special Committee at the 10th meeting of the Sixth Committee, on 5 October 1990.

4. The Sixth Committee also had before it a letter dated 10 October 1990 from the Head of the delegation of the Union of Soviet Socialist Republics to the forty-fifth session of the General Assembly addressed to the Secretary-General (A/45/626-S/21869).

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 33 (A/45/33).

5. The Sixth Committee considered the item at its 10th to 17th and 34th meetings, held from 5 to 17 October and on 8 November 1990. The summary records of the meetings (A/C.6/44/SR.10-17 and 34) contain the views of the representatives who spoke on the item.

6. The Sixth Committee considered item 139, entitled "Peaceful settlement of disputes between States", in conjunction with the present item, in accordance with resolution 44/31 of 4 December 1989.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/45/L.3

7. At the 34th meeting, on 8 November 1990, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/45/L.3), sponsored by Argentina, Belgium, Bolivia, Bulgaria, Chile, Colombia, Cyprus, Czechoslovakia, Egypt, Germany, Italy, Japan, Romania, Spain, Venezuela and Yugoslavia, later joined by Afghanistan, Brazil, Ecuador, El Salvador, Mexico, Morocco, New Zealand, Oman, the Philippines and Uruguay.

8. The Committee had before it a statement by the Secretary-General (A/C.6/45/L.6) on the programme budget implications of the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.6/45/L.3 by a vote of 94 to none, with one abstention (see para. 15, draft resolution I).

10. A statement in explanation of vote before the vote was made by the representative of the Libyan Arab Jamahiriya. Statements in explanation of vote after the vote were made by the representatives of the Union of Soviet Socialist Republics and Ghana.

11. At the same meeting, the Under-Secretary-General, the Legal Counsel, made a statement in connection with paragraph 6 of the draft resolution.

B. Draft resolution A/C.6/45/L.4

12. Also at the 34th meeting, the representative of France introduced a draft resolution entitled "Rationalization of existing United Nations procedures" (A/C.6/45/L.4), sponsored by France, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.

13. At the same meeting, the Committee adopted the draft resolution by a vote of 92 to none, with one abstention (see para. 15, draft resolution II).

14. A statement in explanation of vote before the vote was made by the representative of Cuba.

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

15. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 2/

Taking note of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 3/ thirty-ninth, 4/ fortieth, 5/ forty-first, 6/ forty-second, 7/ forty-third, 8/ forty-fourth 9/ and forty-fifth sessions, 10/ as well as the views and comments expressed on them by Member States,

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2/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988 and 44/37 of 4 December 1989.

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

4/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

5/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

6/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

7/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

8/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

9/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

10/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1990, 11/

Expressing its satisfaction at the completion of the work on the draft document on rationalization of existing United Nations procedures, 12/ adopted by the General Assembly at its present session,

Mindful of the desirability of further work being done by the Special Committee in the field of the peaceful settlement of disputes between States,

Noting with appreciation the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Decides that the Special Committee will hold its next session from 4 to 22 February 1991;

3. Requests the Special Committee, at its session in 1991, in accordance with the provisions of paragraph 4 below:

(a) To accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To endeavour to complete its consideration of the proposal on fact-finding by the United Nations in the field of the maintenance of international peace and security with a view to submitting its conclusions, in an appropriate form, to the General Assembly at its forty-sixth session;

(ii) To consider the proposals relating to the maintenance of international peace and security that were submitted to the Special Committee during its session in 1990, as well as those which might be submitted to it at its session in 1991;

(b) To continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(i) To consider proposals relating to this question that might be submitted to the Special Committee;

(ii) To consider the final text of the draft handbook on the peaceful settlement of disputes between States with a view to recommending its publication to the General Assembly at its forty-sixth session;

11/ Ibid., Supplement No. 33 (A/45/33).

12/ Ibid., para. 86.

4. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. Decides that the Special Committee shall accept the participation of observers of Member States in its meetings, including those of its working group;

6. Requests the Secretary-General to complete the work on the preparation of the draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, and to submit it, in its final form, to the Special Committee at its session in 1991;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-sixth session;

8. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

DRAFT RESOLUTION II

Rationalization of existing United Nations procedures

The General Assembly,

Recalling its resolution 44/37 of 4 December 1989,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its 1990 session, 13/

Conscious of the need to discharge in the most efficient manner the functions incumbent upon it under the Charter of the United Nations,

1. Approves the conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as set forth in the annex to the present resolution;

2. Decides that the conclusions referred to in paragraph 1 above shall be reproduced as an annex to its rules of procedure.

13/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 33 (A/45/33).

ANNEX

Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of existing United Nations procedures

1. Without prejudice to Article 18 of the Charter of the United Nations and with a view to facilitating the work of the United Nations, including, whenever possible, the adoption by the General Assembly of agreed texts of resolutions and decisions, informal consultations should be carried out with the widest possible participation of Member States.

2. When an electronic voting system is available for recording how votes were cast, a roll-call vote should as far as possible not be requested.

3. Before the end of each session of the General Assembly, the General Committee should, in the light of the experience it has acquired during that session, consider drawing up its observations on the organization of the work of the session, with a view to facilitating the organization of the work of future sessions of the General Assembly.

4. The agenda of the General Assembly should be simplified by grouping or merging, to the extent possible, related items and, where it is appropriate for discussion of a particular item, by setting an interval of more than a year between the discussions on it. For this purpose, the Chairman of the Main Committee concerned or, as appropriate, the President of the General Assembly, should undertake consultations with delegations.

5. The General Committee should consider, at the beginning of each session of the General Assembly, recommending that certain Main Committees should meet in sequential order, taking into account such matters as the number of meetings required for the consideration of the questions with which they are charged at that session, the organization of the work of the whole session and the problem of participation of smaller delegations.

6. In making recommendations as to how agenda items should be allocated to the Main Committees and the plenary of the General Assembly, the General Committee should ensure the best use of the expertise of the Committees.

7. When the General Assembly considers whether it needs to establish subsidiary organs, in accordance with Article 22 of the Charter, it should give careful consideration as to whether the subject-matter in question could be dealt with by existing organs, including its Main Committees and their working groups. Subsidiary organs should seek constantly to improve their procedures and methods of work in order to ensure effective consideration of questions allocated to them by the Assembly.

8. The dates and length of the sessions of bodies of the General Assembly that meet inter-sessionally should be determined as soon as possible by the Assembly, as appropriate, following advice from the Committee on Conferences, on the proposal of the Secretary-General. The Assembly should take account of the past experience, the state of current work in regard to the mandate given to the body in question and the need to avoid as far as possible overlapping meetings of bodies that deal with subject-matter of a similar nature.

9. Informal consultations about the work of bodies of the General Assembly that meet inter-sessionally should continue to be held in advance of the sessions of such bodies in order to facilitate the conduct of their sessions, especially as regards the composition of the bureau and the organization of work.

10. Resolutions should request observations from States or reports by the Secretary-General in so far as they are likely to facilitate the implementation of the resolutions or the continued examination of the question.

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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Sixth Committee

Rapporteur: Mr. Saeid MIRZAEE-YENGEJEH (Islamic Republic of Iran)

I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-fifth session pursuant to General Assembly resolution 44/38 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. For its consideration of the item, the Sixth Committee had before it the report of the Committee on Relations with the Host Country. 1/

4. The Sixth Committee considered the item at its 44th and 45th meetings, on 19 and 20 November 1990. The summary records of those meetings contain the views of the representatives who spoke on the item (A/C.6/45/SR.44 and 45).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/45/L.18

5. At its 44th meeting, on 19 November 1990, the representative of Cyprus introduced a draft resolution (A/C.6/45/L.18).

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 26 (A/45/26).

6. At the 45th meeting, on 20 November 1990, the Committee adopted draft resolution A/C.6/45/L.18 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 2/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 3/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 4/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 69 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country and hopes that outstanding problems raised at the meetings of the Committee will be duly resolved in a spirit of co-operation and in accordance with international law;

2/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 26 (A/45/26).

3/ Resolution 22 A (I).

4/ See resolution 169 (II).

4. Urges the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it;

5. Stresses the importance of a positive perception of the work of the United Nations, and urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

6. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

7. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

8. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Report of the Committee on Relations with the Host Country".